

**Executive Summary – Enforcement Matter – Case No. 41442**  
**Mike Oda d/b/a Riverbend RV Park and Resort**  
**RN103016234**  
**Docket No. 2011-0544-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Riverbend RV Park and Resort WWTP, located at 1020 Agnes Road, one mile north of the intersection of Agnes Road and Farm-to-Market Road 2759 and approximately 0.2 mile west on the Riverbend Park and Resort Road, Richmond, Fort Bend County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 12, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,575

**Amount Deferred for Expedited Settlement:** \$2,515

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$295

**Total Due to General Revenue:** \$9,765

Payment Plan: 35 payments of \$279 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 20, 2011

**Date(s) of NOE(s):** March 21, 2011

***Violation Information***

1. Failed to enclose the wastewater treatment plant with an intruder-resistant fence. Specifically, one side of the Facility was not fenced [30 TEX. ADMIN. CODE § 317.7(e)].
2. Failed to measure flow and perform quality controls as required. Specifically, flow was not being measured during sample collection, and a duplicate analysis or a standard check for total chlorine residual analysis was not being performed at a minimum of once every ten samples [30 TEX. ADMIN. CODE §§ 319.6 and 319.9(a) and (d)].
3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth [30 TEX. ADMIN. CODE § 305.125(5), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014319001, Operational Requirements No. 1].
4. Failed to comply with permitted effluent limitations for residual chlorine and ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014319001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
5. Failed to timely submit annual sludge reports and a discharge monitoring report (“DMR”). Specifically, sludge reports (due by September 30 of each year) for August 2008 to July 2009 and August 2009 to July 2010, were not submitted until March 1, 2011 and February 3, 2011, respectively. The DMR for September 2010 (due by October 20, 2010) was submitted January 27, 2011 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1 and 319.7(d) and TPDES Permit No. WQ0014319001, Sludge Provisions and Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:

- a. Submitted sludge reports for the periods of August 2008 to July 2009 and August 2009 to July 2011 on March 1, 2011 and February 3, 2011, respectively;

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- b. Removed sludge from the chlorine contact basin and developed a procedure to monitor and remove the sludge whenever it becomes more than six inches thick on April 13, 2011;
- c. Submitted the September 2010 DMR on January 27, 2011; and
- d. Enclosed all sides of the wastewater treatment plant with an intruder-resistant fence on or about April 28, 2011.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014319001; and
  - ii. Begin measuring flow during sample collection and perform duplicate analysis or a standard check for total chlorine residual analysis at a minimum of once every ten samples.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014319001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jeremy Escobar, Enforcement Division,  
Enforcement Team 3, MC R-14, (361) 825-3422; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

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**TCEQ SEP Coordinator:** N/A

**Respondent:** Mike Oda, Owner/President, Riverbend RV Park and Resort, 1020  
Agnes Road, Richmond, Texas 77469-8393

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Mar-2011	<b>Screening</b>	7-Apr-2011	<b>EPA Due</b>	
	<b>PCW</b>	8-Jul-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Mike Oda d/b/a Riverbend RV Park and Resort		
<b>Reg. Ent. Ref. No.</b>	RN103016234		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41442	<b>No. of Violations</b>	6
<b>Docket No.</b>	2011-0544-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jeremy Escobar
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,300
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	75.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$5,475
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Notes: Enhancement for nine months of self-reported effluent violations, two NOV's with same/similar violations, and one order with a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$200
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$516  
Approx. Cost of Compliance \$7,500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$12,575
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$12,575
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$12,575
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,515
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,060
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Screening Date 7-Apr-2011

Docket No. 2011-0544-MWD-E

PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	11	55%
	Other written NOVs		0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for nine months of self-reported effluent violations, two NOVs with same/similar violations, and one order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 75%

Screening Date 7-Apr-2011

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PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 317.7(e)

Violation Description

Failed to enclose the wastewater treatment plant with an intruder-resistant fence. Specifically, one side of the Facility was not fenced.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

231 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the January 20, 2011 investigation until case screening on April 7, 2011.

## Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

Compliance was achieved on or about April 28, 2011.

Violation Subtotal \$900

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort

**Case ID No.** 41442

**Reg. Ent. Reference No.** RN103016234

**Media** Water Quality

**Violation No.** 1

**Percent Interest** 5.0

**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment	\$900	20-Jan-2011	28-Apr-2011	0.27	\$1	\$16	\$17
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to install proper fencing. The date required is the investigation date and the final date is the approximate date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$900

**TOTAL**

\$17

Screening Date 7-Apr-2011

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PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 319.6, and 319.9(a) and (d)

Violation Description

Failed to measure flow and perform quality assurance controls as required. Specifically, flow was not being measured during sample collection, and a duplicate analysis or a standard check for total chlorine residual analysis was not being performed at a minimum of once every ten samples.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,750

This violation Final Assessed Penalty (adjusted for limits) \$1,750

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort  
**Case ID No.** 41442  
**Reg. Ent. Reference No.** RN103016234  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jan-2011	15-Oct-2011	0.73	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that all flow measurements and quality assurance controls are performed. The date required is the investigation date and the final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$9

Screening Date 7-Apr-2011

Docket No. 2011-0544-MWD-E

PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014319001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix  
Notes

Human health or the environment could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

77 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the January 20, 2011 investigation until screening on April 7, 2011.

## Good Faith Efforts to Comply

10.0% Reduction

\$100

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

Compliance was achieved on April 13, 2011.

Violation Subtotal \$900

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort  
**Case ID No.** 41442  
**Reg. Ent. Reference No.** RN103016234  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	20-Jan-2011	13-Apr-2011	0.23	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to perform sludge blanket checks, initiate a procedure to conduct process control testing, and settleable solids tests and remove sludge from the chlorine contact basin. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$11

Screening Date 7-Apr-2011

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PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 4

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014319001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limitations, as documented in an investigation conducted on January 20, 2011. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Chlorine was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels protective of human health or the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 4

120 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$4,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$460

Violation Final Penalty Total \$7,000

This violation Final Assessed Penalty (adjusted for limits) \$7,000

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort  
**Case ID No.** 41442  
**Reg. Ent. Reference No.** RN103016234  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	28-Feb-2010	31-Dec-2011	1.84	\$460	n/a	\$460

Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. The date required is the month the first non-compliant excursion was documented and the final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$460

Screening Date 7-Apr-2011

Docket No. 2011-0544-MWD-E

PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0014319001  
Sludge Provisions

## Violation Description

Failed to timely submit annual sludge reports (due by September 30 of each year) for August 2008 to July 2009 and August 2009 to July 2010. The reports were submitted March 1, 2011 and February 3, 2011 respectively.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 2

3 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort  
**Case ID No.** 41442  
**Reg. Ent. Reference No.** RN103016234  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	20-Jan-2011	15-Oct-2011	0.73	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	30-Sep-2009	3-Feb-2011	1.35	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost of \$100 to update operational guidance and to develop a procedure to ensure that all notifications, reports, and data are submitted timely. The date required is the investigation date and the final date is the expected date of compliance. Estimated cost of \$200 to submit two reports. The date required is the date the first report was due and the final date is the date the reports were submitted.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$19

Screening Date 7-Apr-2011

Docket No. 2011-0544-MWD-E

PCW

Respondent Mike Oda d/b/a Riverbend RV Park and Resort

Policy Revision 2 (September 2002)

Case ID No. 41442

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103016234

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 319.1 and 319.7(d) and TPDES Permit No. WQ0014319001 Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring report ("DMR") for September 2010 (due by October 20, 2010). The report was submitted January 27, 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$175

This violation Final Assessed Penalty (adjusted for limits) \$175

# Economic Benefit Worksheet

**Respondent** Mike Oda d/b/a Riverbend RV Park and Resort  
**Case ID No.** 41442  
**Reg. Ent. Reference No.** RN103016234  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Oct-2010	27-Jan-2011	0.27	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit one DMR. The date required is the date the report was due and the final date is the date the report was submitted. See Violation No. 5 for estimated cost to update operational guidance and to develop a procedure to ensure that all notifications, reports, and data are submitted timely.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Mike Oda d/b/a Riverbend RV Park and Resort  
 RN103016234; Docket 2011-0544-MWD-E;  
 TPDES Permit No. WQ0014319001

<b>Limits</b>	minimum chlorine residual	NH-3 DAC	NH-3 DAL	NH-3 SG
<b>Month/Year</b>	1 mg/L	3 mg/L	0.6 lbs/day	15 mg/L
February 2010	0.8	c	c	c
July 2010	c	3.53	c	c
September 2010	c	9.03	0.69	18.85
January 20, 2011	0.35*	c	c	c

DAC = daily average concentration, DAL = daily average loading, SG = single grab  
 c = compliant , mg/L = milligrams/liter, \* = grab sample during investigation  
 NH-3 = ammonia nitrogen



# Compliance History

Customer/Respondent/Owner-Operator: CN600686034 ODA, MIKE Classification: AVERAGE Rating: 1.69

Regulated RN103016234 RIVER BEND RV PARK AND RESORT WWTP Classification: AVERAGE Site Rating: 1.69

ID Number(s): WASTEWATER PERMIT WQ0014319001  
WASTEWATER EPA ID TX0124699

Location: 1020 AGNES ROAD, ONE MILE N OF INTERSECTION OF AGNES ROAD & FM 2759 & APPROX 0.2 MI W ON RIVERBEND PARK AND RESORT ROAD, RICHMOND, FORT BEND COUNTY, TEXAS.

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History: March 29, 2011

Agency Decision Requiring Compliance: Enforcement

Compliance Period: March 29, 2006 to March 29, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Thomas Jecha Phone: 239 - 2576

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Rating Date: 9/1/2010 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 07/11/2010

ADMINORDER 2009-1742-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 7/26/2006 (480789)
- 2 12/1/2006 (633151)
- 3 6/20/2007 (633152)
- 4 6/20/2007 (633153)
- 5 12/1/2006 (633154)
- 6 7/25/2007 (633155)
- 7 12/1/2006 (633156)
- 8 7/25/2007 (633157)
- 9 12/1/2006 (633158)
- 10 7/25/2007 (633159)

11	12/12/07	(633160)
12	12/1/2006	(633161)
13	12/12/07	(633162)
14	12/1/2006	(633163)
15	11/8/2007	(633164)
16	2/5/2007	(633165)
17	12/5/2007	(633166)
18	2/5/2007	(633167)
19	12/5/2007	(633168)
20	3/29/2007	(633169)
21	12/1/2006	(633170)
22	3/29/2007	(633171)
23	4/7/2008	(677732)
24	4/7/2008	(677733)
25	4/7/2008	(677734)
26	5/14/2008	(696516)
27	8/28/2008	(718211)
28	8/28/2008	(718212)
29	8/28/2008	(718213)
30	8/29/2008	(718214)
31	8/29/2008	(718215)
32	10/24/08	(718216)
33	11/20/08	(733470)
34	11/20/08	(733471)
35	3/5/2009	(756608)
36	4/8/2009	(756609)
37	3/5/2009	(756610)
38	3/5/2009	(756611)
39	10/9/2009	(767487)
40	5/13/2009	(773530)
41	6/6/2009	(773531)
42	6/6/2009	(773532)
43	4/26/2010	(799011)
44	3/23/2010	(820833)
45	8/7/2009	(820834)
46	10/12/09	(820835)
47	10/12/09	(820836)
48	11/13/09	(820837)
49	1/8/2010	(820838)
50	3/23/2010	(820839)
51	3/23/2010	(820840)
52	4/23/2010	(836564)
53	4/23/2010	(836565)
54	6/10/2010	(836566)
55	9/29/2010	(875927)
56	12/14/10	(878804)
57	11/27/10	(889889)

58 1/27/2011 (898293)  
 59 1/5/11 (898294)  
 60 3/21/11 (901729)  
 61 1/27/11 (904149)  
 62 1/13/11 (905039)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/31/2006 (633158) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2006 (633171) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2007 (633168) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2008 (677732) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2009 (756608) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2009 (773530) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2010 (836564) CN600686034  
 Self YES Classification Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 04/26/2010 (799011) CN600686034  
 Self NO Classification Major  
 Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)  
 30 TAC Chapter 30, SubChapter J 30.350(d)  
 O.R., pg. 23. No. 1 PERMIT  
 Description: Failure to employ a certified operator.  
 Self NO Classification Minor  
 Citation: 30 TAC Chapter 317 317.4(a)(8)  
 30 TAC Chapter 317 317.7(i)  
 Description: Failure to provide an air gap or a backflow prevention device at the process  
 wastewater treatment plant.  
 Self NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)  
 O.R., pg. 23-24, No. 6 PERMIT  
 Description: Failure to submit the annual sludge report.

	Self	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
	O.R., pg. 9, No.1 PERMIT			
Description:	Failure to maintain the chlorine contact basin free of sludge.			
	Self	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
	O.R., pg. 9, No. 1 PERMIT			
Description:	Failure to maintain the digester.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)			
	30 TAC Chapter 305, SubChapter F 305.125(5)			
	TWC Chapter 26 26.121			
Description:	Failure to prevent the unauthorized discharge of wastewater from the wastewater treatment plant.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	I.E.L.&M.R., pg. 2, No. 2 PERMIT			
Description:	Failure to maintain compliance with permit limits for total chlorine residual.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)			
Description:	Failure to provide accurate flow measurements.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)			
Description:	Failure to record the flow measurement at the time of the sampling event.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
	O.R., pg. 9, No. 1 PERMIT			
Description:	Failure to maintain an intruder-resistant fence around the wastewater treatment plant.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.3(e)(4)(D)			
Description:	Failure to maintain the high level alarms at the off site lift station.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.3(a)			
	30 TAC Chapter 317 317.3(e)(4)(C)			
Description:	Failure to secure the off site lift station in an intruder resistant manner.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 317 317.4(a)(8)			
Description:	Failure to provide an air gap or a backflow prevention device at the off site lift station.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.6			
	30 TAC Chapter 319, SubChapter A 319.9(c)			
Description:	Failure to properly maintain laboratory equipment and to perform the required quality assurance/quality control (QA/QC) procedures for total chlorine residual.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Description:	Failure to properly conduct the total chlorine residual and manganese correction.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	W.Q.P., page 1 PERMIT			
Description:	Failure to discharge at the location required by the permit.			
Date	07/31/2010		CN600686034	
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date 09/30/2010 (898293) CN600686034  
Self Report? YES Classification Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 01/13/2011 (905039) CN600686034  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MIKE ODA D/B/A RIVERBEND  
RV PARK AND RESORT  
RN103016234**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-0544-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mike Oda d/b/a Riverbend RV Park and Resort ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 1020 Agnes Road, one mile north of the intersection of Agnes Road and Farm-to-Market Road 2759 and approximately 0.2 mile west on the Riverbend Park and Resort Road in Richmond, Fort Bend County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 26, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Five Hundred Seventy-Five Dollars (\$12,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Ninety-Five Dollars (\$295) of the administrative penalty and Two Thousand Five Hundred Fifteen Dollars (\$2,515) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand Seven Hundred Sixty-Five Dollars (\$9,765) of the administrative penalty shall be payable in thirty-five (35) monthly payments of Two Hundred Seventy-Nine Dollars (\$279) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. Submitted sludge reports for the periods of August 2008 to July 2009 and August 2009 to July 2011 on March 1, 2011 and February 3, 2011, respectively;
  - b. Removed sludge from the chlorine contact basin and developed a procedure to monitor and remove the sludge whenever it becomes more than six inches thick on April 13, 2011;
  - c. Submitted the September 2010 discharge monitoring report ("DMR") on January 27, 2011; and
  - d. Enclosed all sides of the wastewater treatment plant with an intruder-resistant fence on or about April 28, 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to enclose the wastewater treatment plant with an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 317.7(e), as documented during an investigation conducted on January 20, 2011. Specifically, one side of the Facility was not fenced.
2. Failed to measure flow and perform quality assurance controls as required, in violation of 30 TEX. ADMIN. CODE §§ 319.6 and 319.9(a) and (d), as documented during an investigation conducted on January 20, 2011. Specifically, flow was not being measured during sample collection, and a duplicate analysis or a standard check for total chlorine residual analysis was not being performed at a minimum of once every ten samples.
3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014319001, Operational Requirements No. 1, as documented during an investigation conducted on January 20, 2011. Specifically, the chlorine contact basin contained 1.5 feet of sludge in five feet of water depth.
4. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014319001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during an investigation conducted on January 20, 2011 and shown in the following table:

<b>Limits</b> <b>Month/Year</b>	minimum chlorine residual	NH-3 DAC	NH-3 DAL	NH-3 SG
	1 mg/L	3 mg/L	0.6 lbs/day	15 mg/L
February 2010	0.8	c	c	c
July 2010	c	3.53	c	c
September 2010	c	9.03	0.69	18.85
January 20, 2011	0.35*	c	c	c

DAC = daily average concentration, DAL = daily average loading, SG = single grab  
c = compliant, mg/L = milligrams/liter, \* = grab sample during investigation  
NH-3 = ammonia nitrogen

5. Failed to timely submit annual sludge reports and a DMR, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.1 and 319.7(d) and TPDES Permit No. WQ0014319001, Sludge Provisions and Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on January 20, 2011. Specifically, sludge reports (due by September 30 of each year) for August 2008 to July 2009 and August 2009 to July 2010, were not submitted until March 1, 2011 and February 3, 2011, respectively. The DMR for September 2010 (due by October 20, 2010) was submitted January 27, 2011.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mike Oda d/b/a Riverbend RV Park and Resort, Docket No. 2011-0544-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0014319001; and
    - ii. Begin measuring flow during sample collection and perform duplicate analysis or a standard check for total chlorine residual analysis at a minimum of once every ten samples, as required by 30 TEX. ADMIN. CODE §§ 319.6, and 319.9(a) and (d).

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., in accordance with Ordering Provision No. 2.c. below.
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014319001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

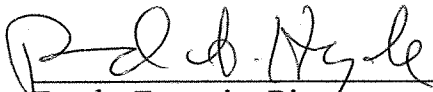
- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

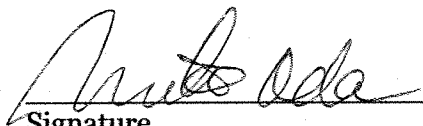
11/17/11  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

07-08-2011  
\_\_\_\_\_  
Date

MIKE ODA  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Mike Oda d/b/a Riverbend RV Park and Resort

Owner/President  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.